

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 IN RE APPLICATION OF CHINA CONSTRUCTION
 BANK (ASIA) CORPORATION LIMITED
 FOR AN ORDER SEEKING DISCOVERY
 PURSUANT TO 28 U.S.C. § 1782
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23-MC-17 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

China Construction Bank (Asia) Corporation Limited (“Applicant”) brings this application pursuant to 28 U.S.C. § 1782 for an order authorizing discovery from Goldman Sachs Group, Inc.; Raine Group LLC; Oaktree Capital Management, L.P.; Bain Capital, L.P.; Lazard Frères & Co. LLC; Citibank N.A.; BNY Mellon, N.A.; Wells Fargo Bank, N.A.; Bank of America, N.A.; Deutsche Bank, A.G.; and The Clearing House Payments Company LLC by means of a subpoena served pursuant to Rule 45 of the Federal Rules of Civil Procedure. Having considered Applicant’s submissions, the Court concludes — without prejudice to the timely filing of a motion to quash the subpoena and, in the event such a motion is filed, subject to reconsideration — that Section 1782’s statutory requirements are met and that the so-called *Intel* factors favor granting the application. *See, e.g., Mees v. Buiter*, 793 F.3d 291, 298 (2d Cir. 2015) (citing *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241, 264-65 (2004)).

Accordingly, the application is GRANTED. Applicant’s U.S. counsel, Kobre & Kim LLP, is authorized to issue and serve subpoenas in a substantially similar form those attached as Exhibits 1 and 2 to the Declaration of Darryl G. Stein, Docket Nos. 7-1 and 7-2, on Respondents as described in the Stein Declaration ¶¶ 2-4, together with a copy of this Order, no later than **thirty days** from the date of this Order. No later than **the same date**, and *before* serving the subpoena on Respondents, Applicant shall provide actual notice and courtesy copies of the subpoena, application, and supporting documents to the party or parties against whom the requested discovery

is likely to be used through any such party's counsel, or if the identity of such party's counsel is unknown, on that party directly. *See In re Application of Sarrio, S.A.*, 119 F.3d 143, 148 (2d Cir. 1997) (“[T]he ultimate targets of a § 1782 discovery order issued to third parties have standing to challenge the district court's power to issue a subpoena under the terms of an authorizing statute.” (internal quotation marks omitted)). Applicants shall promptly file proof of such service on ECF.

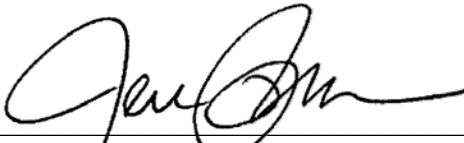
Respondents are further ordered to preserve all relevant and potentially relevant evidence in their possession, custody, or control until further order of the Court. Additionally, nothing in this Order shall be construed to prevent or otherwise foreclose Applicant from seeking modification of this Order or leave of Court to serve subpoenas on any additional persons or entities.

Any further proceedings (including any discovery taken pursuant to this Order) shall be governed by the Federal Rules of Civil Procedure, the Court's Local Rules (<http://nysd.uscourts.gov/courtrules.php>), and the Court's Individual Rules and Practices in Civil Cases, (<http://nysd.uscourts.gov/judge/Furman>). If the parties believe that a protective order is appropriate or necessary, they shall file a joint proposed protective order on ECF, mindful that the Court will strike or modify any provision that purports to authorize the parties to file documents under seal without Court approval. *See generally Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006). In the event of any dispute concerning the subpoena or any proposed protective order, the parties shall meet and confer before raising the dispute with the Court.

The Clerk of Court is directed to terminate Docket No. 1 and to close the case.

SO ORDERED.

Dated: January 23, 2023
New York, New York



JESSE M. FURMAN
United States District Judge